

STATEMENT OF REP. JOHN CONYERS, JR.
Committee on the Judiciary
Markup of H.R. 3313, the "Marriage Protection Act of 2003"
Wednesday, July 14, 2004

The only reason we are debating an unconstitutional and divisive proposal is because the President is in danger of losing his job and wants to detract attention from his Iraq failure and to bolster support among right-wing conservatives.

Just last week, the death toll of U.S.-led forces in Iraq reached 1,000. The 9-11 Commission found, contrary to President Bush's claims, that there was no relationship between Saddam Hussein and Al Qaeda. No weapons of mass destruction have been found in Iraq.

What did the President do about it? He followed the advice of Paul Weyrich, a conservative organizer, who said the President had based his entire campaign on Iraq, and the escalating violence there meant he needed to "change the subject" to win in November.

That is why we are here today talking about same sex marriage. The President and Republican leadership know that a constitutional amendment to ban same sex marriage has virtually no chance of passing in the House, and now they have pulled the old bait and switch. Instead of bringing up a constitutional amendment that would go down in flames, we are instead debating a bill that would strip federal court and Supreme Court review of the Defense of Marriage Act.

At first glance, its proponents seem to have forgotten that our laws need to be constitutional. We all know from the Constitution and *Marbury v. Madison* that it is the role of the federal courts and the Supreme Court to review federal law. Yet that is exactly what this bill prohibits, virtually asking to be overturned.

In some ways, this bill should not be a surprise because Republicans

always try to remove federal courts from the process when courts might issue rulings contrary to right-wing beliefs. They did not like the Ten Commandments or Pledge of Allegiance decisions, so they introduced numerous bills to prevent federal courts from hearing cases on those two declarations. They also severely limited the ability of federal courts to issue writs of habeas corpus for state convictions.

But make no mistake about it, this bill is the height of hypocrisy. In 2003, they made it a federal offense for a doctor to comply with a woman's right to choose. In the 1980's, they clogged up federal courts with drug offenses that had been left to the states. For at least a decade, they have been trying to move tort cases to the federal courts.

And no one can forget that it was the Republicans who ran up the steps to the Supreme Court in the winter of 2000 when they needed to secure a presidential election.

I urge my colleagues to vote "No" on this legislation.